IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1211 OF 2006
IN
CRIMINAL APPEAL NO.422 OF 2005

Anil Kumar Shrilal Parikh ...Applicant
V/s.
The State of Maharashtra ...Respondent

Shri.Ranjit Pawar i/b S.D. Nangre for Applicant.
Shri.U.V. Nikarm APP for Respondent.

CORAM : V.M. KANADE, J.

DATED : 22nd DECEMBER, 2006.

P.C. :-

1. Heard learned counsel for the applicant and learned APP for the State.

2. The applicant was convicted for the offences punishable U/s.392 r/w 397 of IPC and sentenced to suffer R.I. for seven years and to pay a fine of Rs.1000/- in default to suffer further R.I. for three months. He was also convicted for the offence punishable U/s.452 of IPC and sentenced to suffer R.I. for three years and to pay a fine of Rs.1000/- in default to suffer R.I. for three months.

3. Learned counsel for the applicant submitted that the

applicant is in jail since last two and half years and if period of remission is counted, it would be more than three years. He submitted that since the applicant has already undergone more than 50% of the sentence and since appeal is not likely to come up for hearing immediately in the near future, the applicant may be released on bail.

4. Learned APP for the State invited my attention to the order passed by this court dated 04/05/2005 whereby first application for bail was rejected.

5. I have perused the said order. By the said order, the applicant was given a liberty to apply for bail again if the appeal is not heard within a reasonable period of time. Nearly one year and 8 months have passed since the order is passed and yet appeal is pending in this court.

6. Considering this fact, in my view, the applicant is entitled to be released on bail. Even otherwise, his appeal would become infructuous, if he is not released on bail. Under these circumstances, the applicant be released on bail in the sum of

Rs.10,000/- with one or two sureties in like amount. The applicant shall report to Gamdevi Police Station once in a month.

. The application is accordingly disposed of in above terms.

V.M. KANADE, J.